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SUBJECT: WEST BANK ATTORNEYS ON JUDICIAL REFORM

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

¶1. (C) Summary. West Bank attorneys and International Committee of the Red Cross (ICRC) delegate Bjorn Rahm told Poloff that reform of the Palestinian judicial sector must tackle case backlog, train judges, and improve court administration and services to the public. Attorney Loubna Katbeh told Poloff February 13 that the justice system needs an "overhaul." Rahm said February 20 that courts are understaffed and trials frequently postponed, because West Bank checkpoints prevent access to courts. USAID contractor Nabil Isifan told Poloff March 11 that attorneys who do not show up to court to delay cases purposely face no penalties. West Bank attorneys expressed concern that Palestinians have little confidence in the legal system and said establishing a judicial police force will help courts enforce their decisions. End Summary.

Case Backlog and Trial Delays

¶2. (C) Loubna Katbeh, an attorney at Ramallah's Equity Legal Group, told Poloff February 13 that the Palestinian justice system needs an "overhaul." Of the thousands of backlogged cases, she said some 6,000 are for traffic violations. She suggested introducing specialized traffic, landlord-tenant, commercial, and emergency hearing courts to deal with the backlog in these areas. International Committee of the Red Cross (ICRC) delegate Bjorn Rahm briefed Poloff February 20 on ICRC's Judicial Guarantees report, noting that West Bank trials are frequently postponed, because checkpoints prevent judges, attorneys, witnesses, police, and defendants from reaching courts. Rahm also said trials are delayed, because there is no proper system to appoint public defenders, sometimes leaving Palestinians in prison for years. Rahm added that courts are understaffed and overscheduled and files are frequently misplaced. Nabil Isifan, Chief of Party of USAID's Netham Rule of Law Program, told Poloff March 11 that some lawyers do not show up at court to delay cases intentionally, which increases the case backlog, and the Bar Association does not penalize them.

"Good Lawyers Never Become Judges"

¶3. (C) Katbeh said "good lawyers in the West Bank never become judges" because the salary is low, the caseload heavy, and security a concern. Rania al-Jaber, an attorney at Ittqan Law Office in Ramallah, told Poloff February 13 that she goes to arbitration immediately, if possible, to avoid dealing with judges. She stressed the need to train judges, citing their lack of expertise on intellectual property rights and securities and corporate law. She welcomed the Chief Justice's recent appointment of two dozen new judges as a positive step.

Visible Law and Order and
Comprehensive Legal Reform Needed

14. (C) Maher Hanania, an attorney at Equity Legal Group , told Poloff February 13 that improving law and order is necessary to demonstrate to Palestinians that the PA is working to improve their safety and security. To start, he suggested publishing new laws in the newspaper. He said new regulatory laws need to break telephone, water and electric company monopolies and decrease costs of those services. Hanania added that a weak police force means judicial decisions and court orders are not enforced and said a judicial police force is needed. Citing property disputes as an example, he said police do not enforce court orders to evict tenants and collect fines. (Note: Former Police Chief Kamal al-Shaykh told Poloff March 20 that the first judicial police headquarters will open April 1, and this force will fall under the Police Chief's supervision and the Ministry of Justice's jurisdiction. End Note)

15. (C) Isifan told Poloff March 11 that the PA has no national judicial reform strategy and Palestinians have little confidence in the judicial system. He said Abu Mazen demonstrates clear respect for judicial independence, but not enough leadership to successfully effect reform. Isifan criticized Chief Justice of the High Judicial Council Issa Abu Sharar's "one man show" and his poor coordination with the Attorney General and Minister of Justice.

WALLES